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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,903	07/11/2000	Heather J. Jordan	IVGN 187.1 CON	1446
65482 7590 04/23/2012 LIFE TECHNOLOGIES CORPORATION C/O INTELLEVATE P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER SISSON, BRADLEY L	
			ART UNIT 1634	PAPER NUMBER
			MAIL DATE 04/23/2012	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b><i>Examiner-Initiated Interview Summary</i></b>	<b>Application No.</b> 09/613,903	<b>Applicant(s)</b> JORDAN, HEATHER J.	
	<b>Examiner</b> Bradley L. Sisson	<b>Art Unit</b> 1634	

All participants (applicant, applicant's representative, PTO personnel):

(1) Bradley L. Sisson, Primary Examiner. (3) \_\_\_\_.

(2) Michael Reed, Reg. No. 45,647. (4) \_\_\_\_.

Date of Interview: 20 April 2012.

Type:    ☒ Telephonic    ☐ Video Conference  
           ☐ Personal [copy given to: ☐ applicant    ☐ applicant's representative]

Exhibit shown or demonstration conducted:    ☐ Yes    ☒ No.  
     If Yes, brief description: \_\_\_\_\_.

Issues Discussed    ☐ 101    ☒ 112    ☒ 102    ☒ 103    ☐ Others  
 (For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 141, 150, 155-159, 173 and 462.

Identification of prior art discussed: Life Technologies Product Catalogue and Reference Guide 1995-1996," pages 14-2 to 14-5 (Reference "U" of PTO-892 of 11/20/2002)..

**Substance of Interview**  
 (For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

See Continuation Sheet.

**Applicant recordation instructions:** It is not necessary for applicant to provide a separate record of the substance of interview.

**Examiner recordation instructions:** Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/Bradley L. Sisson/ Primary Examiner, Art Unit 1634	
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Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The aspect of how "relative mass" was defined in independent claim 141 and was not similarly defined in independent claims 165 and 169 was discussed.

Examiner Sisson inquired as to how the expression "consisting essentially of" was to be construed in claim 141, with particular concern over the possible presence of "highlight fragment" or other nucleic acid fragments generally as such would not have any effect upon the recited fragments of the nucleic acid ladder.

Examiner Sisson indicated that a question of definiteness existed with claims 165 and 169, noting that there was a group of fragments identified (a) to (h) followed with a semicolon and then an additional grouping of fragments identified as (a) to (c), followed with one or more seemingly optional "wherein" clauses. Examiner Sisson communicated that it was not clear if the members of the second grouping were required or optional, and if required, must there be members of the first grouping ((a) to (h)) present too. Examiner Sisson noted further that in the case of claim 165, the ladder was characterized as "comprising" such fragments and as such, whether anything was being excluded.

Examiner Sisson indicated that a question of anticipation under 35 USC 102(b) existed with regard to the Catalogue of 1995, which taught explicitly of a "100 bp DNA Ladder," which comprised a "highlight fragment."

Examiner Sisson noted that the "100 bp DNA Ladder" had an upper size of about 2 kb whilst claims 165 and 169 have an optional range of up to 5 kb.

Mr. Reed indicated that either he and/or Mr. Aumais would be in contact with the Examiner on Monday, 23 April 2012.